

## **REMARKS**

Claims presented for prosecution in this Application are claims 1, 12-16 and 20-21, claims 2-11 and 17-19 being withdrawn in light of the outstanding restriction requirement. Claim 1 has been rejected over cited prior art. Claims 12-16 have been objected to as containing allowable subject matter, yet containing formalistic problems, while claims 20 and 21 have been allowed. In view of Applicants' remarks below, Applicants respectfully submit that claims 1, 12-16 and 20-21 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

### **Election of Species**

Applicants hereby affirm without traverse Applicants election of species I, claims 1, 12-16, 20 and 21 for further prosecution. Claims 2-11 and 17-19 being withdrawn by action of the present amendment.

### **The Objection to the Drawings**

The drawings have been objected on formal grounds. In response, Applicants note the following:

- 1) Figure 3 has been amended to more precisely reflect the angle  $\alpha$ , as recited in the specification;
- 2) Cross hatching has been added to all drawings figures, as appropriate; and
- 3) New formal drawings are submitted herewith to replace the existing drawings currently on file.

In light of the above, Applicants respectfully request withdrawal of the objection to the drawings.

### **The Objection to the claims**

The Examiner has objected to claims 1 and 20 on formalistic grounds. In response, Applicants have amended the claims 1 and 20 in accordance with the Examiner's helpful suggestion.

In light of the above, Applicants respectfully request withdrawal of the outstanding objection to the claims.

### **The 35 USC § 112 Second Paragraph Rejection of Claims 1 and 12-15**

The Examiner has rejected claims 1 and 12-15 as being indefinite. In response, Applicants have amended claims 1 and 12 in order to address the Examiner's concern in this regard.

In particular, Applicants believe that the previous wording of claims 1 and 12 were easily understood by one of ordinary skill in the art, and did definitely recite the invention of the present application.

Merely in an attempt to advance prosecution, however, Applicants have amended claims 1 and 12 in light of the Examiner's helpful comments so as to remove any possible indefiniteness.

In light of the amendment to claims 1 and 12, Applicants respectfully request that the outstanding 35 USC 112 second paragraph rejection of claims 1 and 12-15 now be withdrawn.

### **The 35 USC § 102(b) Rejection of Claim 1 over Van Huffel**

The Examiner has rejected claims 1 as being anticipated by Van Huffel. In response, Applicants respectfully assert that Van Huffel does not disclose, at least, each and every aspect of newly amended independent claim 1.

Independent claim 1 now explicitly recites:

*"A seam for ductwork, said seam having a male end portion integrally formed with said ductwork, said seam comprising:*

*a female end portion integrally formed with said ductwork;*

*wherein said female end portion includes a first fold and a second fold, said first and second folds defining thereby a female groove for accommodating said male end portion therein;*

*wherein a distal end of said second fold is bent transverse to said female groove prior to said male end portion being inserted into said female groove; and*

*wherein said female groove lies adjacent an outer surface of said ductwork"* (emphasis added).

Claim 1 now explicitly recites that the female groove of the ductwork lies adjacent to the outer surface of the ductwork. In stark contrast, it will be readily seen from Figures 5-8 of Van Huffel that Van Huffel's female groove is formed to extend in a direction so as to lie adjacent the interior surface of the tube.

Applicants respectfully submit that this distinction is important, and non-obvious, for a number of reasons. Foremost of these is that by forming the female groove (in which the male end portion is fixed) to lie adjacent the *outer* surface of the ductwork, the present invention avoids the creation of a structural protuberance that extends into the air passageway of the ductwork. That is, Applicants' invention advantageously orients the duct seam on the *outside* of the ductwork so as to ensure that the seam does not interfere with the flow of air through the duct, nor will Applicants' duct seam create any air turbulence that may cause undesirable noise in the overall system during operation.

In contrast, Van Huffel's seam extends inwards, towards the air passageway of the tube, thus impeding air flow and advancing the creation of noise and the like during operation.

Moreover, there is no teaching or suggestion within Van Huffel to motivate one of ordinary skill in the art to modify Van Huffel's seam formation in the manner proposed by the present invention.

Indeed, Applicants respectfully submit that Van Huffel actually teaches away from any such interpretation. Column 1, lines 26-29 explicitly recite an Huffel's objective to make the *outer* (not inner) surface of the tube *flush*, stating:

"A further object is to provide a double walled tube of sheet metal the meeting edges of the two walls being **flush**, and lapped **and infolded** to form a double seamed joint" (emphasis added).

Moreover, column 2, lines 17-42 also recite that, *inter alia*:

"a final operation consist in applying an **outward pressure** to the lapped **and infolded** edges ..." (emphasis added).

Applicants respectfully submit that Van Huffel's own disclosure explicitly demands that the seam be formed inside the tube, and that the outer surface of the tube be flush, in direction contradiction to Applicants invention and the recitation of claim 1.

As Van Huffel does not disclose or suggest each and every aspect of independent claim 1, Applicants respectfully request withdrawal of the outstanding 35 USC 102(b) rejection of claim 1 on this basis alone.

Applicants earnestly believe that independent claim 1, at least, clearly defines over Van Huffel, however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues without the necessity of another Office Action.

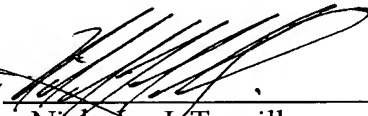
## CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1, 12-16 and 20-21 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By   
Nicholas J. Tuccillo  
Registration No. 44,322  
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-4102  
Tel.: (860) 549-5290  
Fax: (413) 733-4543

### **Amendment to the Drawings**

Please cancel the existing ten (10) sheets of informal drawings, Figures 1-10, and enter the attached formal drawings on "New Sheets" 1-4.